

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

QUINYATTE J. HARRELL, #180524,

Plaintiff,

vs.

DEREK MORGAN,

Defendant.

Case No. 19-cv-01089-JPG

MEMORANDUM AND ORDER

GILBERT, District Judge:

Now before the Court are two Motions for Subpoena filed by Plaintiff Quinyatte Harrell on April 7, 2020. (Docs. 23 and 24). Plaintiff seeks leave to depose a non-party witness (Doc. 23) and to subpoena cell phone records (Doc. 24). For the reasons set forth below, both motions are **DENIED**.

In his first Motion (Doc. 23), Plaintiff seeks leave to depose a third-party witness in person. Plaintiff has not explained why he needs the deposition of this individual. He further fails to indicate when or where this deposition should occur or how he will overcome the geographical restrictions that apply. *See* FED. R. CIV. P. 45(c)(1)(A). Moreover, under Federal Rule of Civil Procedure 30(b)(3)(A), the party noticing the deposition bears the recording costs, and Plaintiff has not indicated that he has the ability to pay for such costs. The Court has no authority to provide or pay for discovery expenses even where a plaintiff has been granted *in forma pauperis* status. *See Stewart v. Walker*, Case No. 05-1210, 2007 WL 3348259, at * 2 (N.D. Ill. November 5, 2007) (quoting *Smith v. Campagna*, Case No. 94-C_7628, 1996 WL 364770, at * 1 (N.D. Ill. June 26, 1996)). The Court will not order the defendant or anyone else to pay for the recording costs.

In the second Motion (Doc. 24), Plaintiff seeks to subpoena AT&T cell phone records, including incoming and outgoing calls and texts, for a listed phone number for the period covering May 9, 2018 to July 10, 2018. Plaintiff has not shown how this information is relevant to his case. He has also demonstrated no efforts to obtain this information through a proper discovery request before seeking to subpoena these records.

For the reasons set forth herein, Plaintiff's Motions for Subpoena (Docs. 23 and 24) are **DENIED**. Should Plaintiff wish to conduct a deposition of a non-party witness, he must first provide notice showing that he is financially able to pay for the court reporting services and that he has secured the services of a court report. Should Plaintiff wish to obtain phone records, he should first attempt to do so through proper written discovery requests.

IT IS SO ORDERED.

DATED: April 9, 2020

s/J. Phil Gilbert
J. PHIL GILBERT
United States District Judge